IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5620 OF 2005

Sanjiv Krishnaji Shelgikar ...Applicant

Versus

State of Maharashtra & Anr ...Respondents

ALONGWITH
CRIMINAL APPLICATION NO.5621 OF 2005

Vimal Kumar Rathi ...Applicant

Versus

State of Maharashtra & Anr ...Respondents

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Mr. J.P. Shah, Advocate for Applicant.
Mr. Pravin Sarvad h/f M/s. A.S. Khan & Associates, Adv. for Respondent No.2.
Mr. Rajesh More, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 21ST OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant, learned advocate for the respondent i.e. original complainant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against him in Criminal Case Nos.2727/S/2002 which is pending in the Court of learned Special Metropolitan Magistrate at Small Cause Court, Room No.25, Mumbai. In the said case, process has been issued against the applicant under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778,** in my opinion, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks from today. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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